

REFERENCE TITLE: **time limitations; sexual offenses**

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SB 1509

Introduced by
Senator Jarrett

AN ACT

AMENDING SECTION 13-107, ARIZONA REVISED STATUTES; RELATING TO TIME LIMITATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-107, Arizona Revised Statutes, is amended to
3 read:

4 13-107. Time limitations

5 A. A prosecution for any homicide, any **FELONY** offense that is listed
6 in chapter 14 or 35.1 of this title ~~and that is a class 2 felony, any violent~~
7 ~~sexual assault pursuant to section 13-1423~~, any violation of section
8 13-2308.01, any misuse of public monies or a felony involving falsification
9 of public records or any attempt to commit an offense listed in this
10 subsection may be commenced at any time.

11 **B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, FOR JUVENILES WHO ARE**
12 **PROSECUTED AS ADULTS PURSUANT TO SECTION 8-327 OR 13-501 A PROSECUTION FOR**
13 **ANY FELONY OFFENSE THAT IS LISTED IN CHAPTER 14 OR 35.1 OF THIS TITLE AND**
14 **THAT IS A CLASS 2 FELONY OR ANY VIOLENT SEXUAL ASSAULT PURSUANT TO SECTION**
15 **13-1423 MAY BE COMMENCED AT ANY TIME.**

16 ~~B-~~ C. Except as otherwise provided in this section, prosecutions for
17 other offenses must be commenced within the following periods after actual
18 discovery by the state or the political subdivision having jurisdiction of
19 the offense or discovery by the state or the political subdivision that
20 should have occurred with the exercise of reasonable diligence, whichever
21 first occurs:

- 22 1. For a class 2 through a class 6 felony, seven years.
- 23 2. For a misdemeanor, one year.
- 24 3. For a petty offense, six months.

25 ~~E-~~ D. For the purposes of subsection ~~B-~~ C of this section, a
26 prosecution is commenced when an indictment, information or complaint is
27 filed.

28 ~~B-~~ E. The period of limitation does not run during any time when the
29 accused is absent from the state or has no reasonably ascertainable place of
30 abode within the state.

31 ~~E-~~ F. The period of limitation does not run for a serious offense as
32 defined in section 13-604 during any time when the identity of the person who
33 commits the offense or offenses is unknown.

34 ~~F-~~ G. The time limitation within which a prosecution of a class 6
35 felony shall commence shall be determined pursuant to subsection ~~B-~~ C,
36 paragraph 1 of this section, irrespective of whether a court enters a
37 judgment of conviction for or a prosecuting attorney designates the offense
38 as a misdemeanor.

39 ~~G-~~ H. If a complaint, indictment or information filed before the
40 period of limitation has expired is dismissed for any reason, a new
41 prosecution may be commenced within six months after the dismissal becomes
42 final even if the period of limitation has expired at the time of the
43 dismissal or will expire within six months of the dismissal.